Kluwer Patent Blog

Mr. X ./. Rolanfer and Becker, Court of Cassation, Commercial Chamber (Cour de cassation, Ch. Com.), 3 April 2012

Emmanuel Gougé (Pinsent Masons) · Thursday, September 27th, 2012

The French Supreme Court specified the rules for the application of the doctrine of equivalence in the assessment of infringement of a process patent, holding that a patented process is considered to be infringed under the doctrine of equivalence when both means have the same function in order to obtain the same result as the claimed invention despite any differences between the claimed means and the allegedly infringing means.

A summary of this case will be posted on http://www.KluwerIPCases.com

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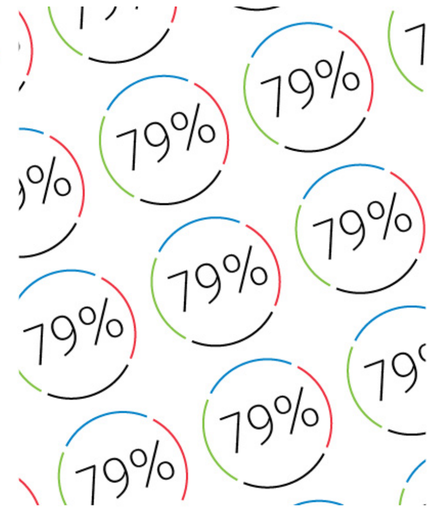

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This entry was posted on Thursday, September 27th, 2012 at 12:23 pm and is filed under (Indirect) infringement, Case Law, literally fulfil all features of the claim. The purpose of the doctrine is to prevent an infringer from stealing the benefit of an invention by changing minor or insubstantial details while retaining the same functionality. Internationally, the criteria for determining equivalents vary. For example, German courts apply a three-step test known as Schneidmesser's questions. In the UK, the equivalence doctrine was most recently discussed in Eli Lilly v Actavis UK in July 2017. In the US, the function-way-result test is used.">Equivalents, France
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